IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19354 of 2007(D)

AGAINST THE ORDER DATED 05/06/2007 IN IA.1310/07 IN OPELE.146/2005 of PRL.M.C.KOZHIKODE-I

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PETITIONER:

HASSAN SHAH POOMAKOTH,
AGED 56 YEARS, S/O MOOSA, VALUVIL HOUSE,
KARANNUR, ERANHIKKAL P.O., KOZHIKODE.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS:

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1. K.SUNILKUMAR,
AGED 39 YEARS, S/O.KANARAN, VAYALIL HOUSE,
ELATHUR P.O., KOZHIKODE.

2. BALAN, AGED 73 YEARS,
S/O CHATHUKUTTY, 'BALAPRABHA',
THAIVALAPPIL HOUSE, ELATHUR P.O., KOZHIKODE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19354 OF 2007 D

Dated this the 25th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P3 order passed in O.P(Ele)146/05 of Principal Munsiff-I, Kozhikode. The dispute centres round double voting. The court found that the witnesses were not examined due to non-availability of them. In spite of coercive steps they were not brought arrested. In order to find out whether a person has cast two votes in two booths, it is imperative to have a finding that it is the same person whose name appears in both the voters list. Then only the question of double voting does arise. Therefore, the court below is directed to consider that aspect and if it is satisfied that the materials available before the court that the name of a person figures in two booths and the identity of the person is the same then the court may call for the documents which it has sought to summon in this case. Therefore, the court below is directed to act in accordance with the above direction, then pass appropriate orders and summon for the documents. Till that time the

implementation of the dated 5.6.2007 shall remain suspended. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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